

St. Louis City Ordinance 62758

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 184

INTRODUCED BY ALDERMAN PHYLLIS YOUNG

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Kosciusko Street from Miller Street southwardly 318' +/-4'; Miller Street from Third Street to First Street; Second Street from Miller Street to Marion Street in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE:

The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A strip of land being Miller Street, 60 feet and 61 feet wide, Second Street, 60 feet wide, and a portion of Kosciusko Street, 37 feet wide, adjoining Block 202, 6503, 874, 6502 and 696, of the City of St. Louis, Missouri and being more particularly described as follows:

Beginning at the point of intersection of the northern line of Miller Street, 60 feet wide, with the eastern line of Third Street, 60, feet wide; thence south 55 degrees 44 minutes 30 seconds east 300.88 feet along the northern line of said Miller Street, to the western line of Second Street, 60 feet wide; thence north 34 degrees 07 minutes 30 seconds east 28.48 feet along the western line of said Second Street, to the southern line of that portion of said Second Street, vacated by Ordinance 56679; thence south 30 degrees 23 minutes 15 seconds east 66.46 feet along the southern line of said vacated Second Street, to the point of intersection of the eastern line of said Second Street with the northern line of said Miller Street; thence south 55 degrees 44 minutes 30 seconds east 287.56 feet along the northern line of said Miller Street, to an offset therein; thence north 34 degrees 15 minutes 30 seconds east 0.55 feet along said offset, to the northern line of said Miller Street, 61 feet wide; thence south 67 degrees 10 minutes east 477.18 feet along the northern line of said Miller Street, 61 feet wide, to the western line of First Street, 53 feet wide; thence south 21 degrees 00 minutes 30 seconds west 61.03 feet along the southern prolongation of the

western line of said First Street, to the eastern prolongation of the southern line of said Miller Street, 61 feet wide; thence north 67 degrees 10 minutes west 483.12 feet along said prolongation, and along the southern line of said Miller Street, 61 feet wide, to the eastern line of Kosciusko Street, 37 feet wide; thence south 22 degrees 50 minutes west 314.86 feet along the eastern line of said Kosciusko Street, to the southern line of property described in deed to Nooter Corporation, recorded in Book 824- M page 1197, City of St. Louis Recorder's Office; thence north 67 degrees 10 minutes west 37.00 feet along the western prolongation of the southern line of said Nooter property, to the western line of said Kosciusko Street; thence north 22 degrees 50 minutes east 322.34 feet along the western line of said Kosciusko Street, to the southern line of said Miller Street, 60 feet wide; thence north 55 degrees 44 minutes 30 seconds west 257.82 feet along the southern line of said Miller Street, 60 feet wide, to the eastern line of Second Street, 60 feet wide; thence south 34 degrees 07 minutes 30 seconds west 662.35 feet along the eastern line of said Second Street, to the northern line of Marion Street, 60 feet wide; thence north 55 degrees 42 minutes west 60.00 feet along the northern line of said Marion Street, to the western line of said Second Street; thence north 34 degrees 07 minutes 30 seconds east 662.31 feet along the western line of said Second Street, to the southern line of said Miller Street, 60 feet wide; thence north 55 degrees 44 minutes 30 seconds west 300.92 feet along the southern line of said Miller Street, 60 feet wide, to the eastern line of said Third Street; thence north 34 degrees 09 minutes 30 seconds east 60.00 feet along the eastern line of said Third Street, to the northern line of said Miller Street, 60 feet wide, and the point of beginning, and containing 120.824 square feet, or 2,77374 acres.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO:

Petitioner is Nooter Corporation. The purpose is to consolidate property to improve facility operations and security.

SECTION THREE:

All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR:

The owners of the land may, at their election and expense remove the surface pavement of said so vacated streets provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE:

The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX:

The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN:

The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT:

In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE:

This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water

Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN:

An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance One Hundred Twenty (120) days from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
10/09/92	10/09/92	STR		

2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
10/30/92			11/06/92	11/13/92
ORDINANCE	VETOED		VETO OVR	
62758				